

E. ABAWDs (Able-bodied Adults without Dependents)

Effective September 1, 1998

WAC 388-444-0030 Work requirements for persons who are able-bodied adults without dependents (ABAWDS).

- (1) Clients who are age eighteen to fifty and have no dependents must, unless exempt, participate in specific employment and training activities to receive food assistance.
- (2) Nonexempt clients who fail to participate are eligible for no more than three months of food assistance in a thirty-six month period.
- (3) Except as provided in WAC 388-444-0035, a person is not eligible to receive food assistance for more than three full months in the thirty-six month period beginning January 1, 1997 unless that person:
 - (a) Works at least twenty hours a week averaged monthly; or
 - (b) Participates in and complies with the requirements of a work program for twenty hours or more per week; or
 - (c) Participates in a workfare program as provided in WAC 388-444-0040.
- (4) A work program is defined as a program under:
 - (a) The Job Training Partnership Act (JTPA);
 - (b) Section 236 of the Trade Act of 1974; or
 - (c) A state-approved employment and training program.

CLARIFYING INFORMATION

1. Work means:
 - a. A client is paid to provide a service to an employer. The wage offered should not be less than the state minimum wage; or
 - b. In-kind goods or services.

2. Clients who are self-employed need to be working 20 hours or more per week to meet the participation requirements.
3. Other programs that clients can participate in to meet ABAWD participation requirements are:
 - a. Washington Service Corps/AMERICORPS;
 - b. Corrections Clearinghouse (operates state-wide);
 - c. NAFTA Transitional Adjustment Assistance Programs;
 - d. Seattle Jobs Initiative (SJI); and
 - e. Refugee Pathway to Self-Sufficiency Program for Refugee cash assistance (RCA) clients.

NOTE: RCA participants in the Self-Sufficiency Program are considered students in the program. The number of hours of participation are determined by the program.

The Refugee Social Worker must develop a Personal Employment Plan (PEP) with the client during the first month of eligibility. The Social Worker tracks the client's activities for the first eight months. Clients who are not employed after eight months must be re-evaluated and referred to the Food Stamp Employment and Training Program.

36-Month Period

The 36-month time limit begins January 1, 2000 and ends December 31, 2002. Another 36-month period will begin January 1, 2003.

NOTE: ABAWDs and households that contain ABAWDs must be certified for no more than 3 months at a time. See WAC 388-416-0005 (Certification Periods - Food Assistance).

WORKER RESPONSIBILITIES

When an ABAWD has received benefits from another state, verify with that state the number of months the ABAWD has received benefits without participating in work requirements. Document the information. If the information from the other state is incorrect, it will not be a Quality Control error.

Effective November 6, 2002

WAC 388-444-0035 When am I (able-bodied adult with no dependents) exempt from ABAWD provisions?

Some food assistance household members are exempt from ABAWD rules. You are exempt from the ABAWD rules provided in WAC 388-444-0030 if you are:

- (1) Under eighteen or fifty years of age or older;
- (2) Determined to be physically or mentally unable to work;
- (3) A member of a household with responsibility for a person determined to be incapacitated;
- (4) An adult in a household that has a member who is under the age of 18, even when that child is not eligible for food assistance;
- (5) Pregnant;
- (6) Living in an area approved as exempt by U.S. Department of Agriculture;
- (7) Complying with the work requirements of an employment and training program under temporary assistance for needy families (TANF);
- (8) Applying for or receiving unemployment compensation;
- (9) Students enrolled at least half time as defined by the institution in:
 - (a) Any accredited school;
 - (b) Training program; or
 - (c) Institution of higher education. A student enrolled in higher education must follow the student criteria defined in chapter 388-482 WAC.

- (10) Participating in a chemical dependency treatment program;
- (11) Employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate multiplied by thirty hours;
- (12) Eligible for one of the annual federal-approved exemption slots under what is called the fifteen percent exemption rule.

CLARIFYING INFORMATION

- 1. All adults in a household with a member under age 18 are exempt from the ABAWD provisions, regardless of the adult's responsibility for the care of the child.
- 2. Personal exemptions apply in both exempt and nonexempt areas.
- 3. The 15% (SW) exemption code may be applied to non-exempt ABAWDs if the client does not have a personal exemption and has already used their three months of eligibility in a 36-month period.

NOTE: See **Appendix I** for a complete list of counties and other applicable areas, the U.S.D.A. or other exempt status for the area, and the FS E&T and ABAWD participation requirements in the area.

- 4. The priority for an exemption is:
 - a. First, any personal exemption the client may have, such as "PR" (pregnancy). This is first in both exempt and non-exempt areas.
 - b. Second, the "EA" exempt reason code, when an ABAWD lives in an exempt area; and
 - c. Third, "SW" for ABAWDs who meet the criteria for a 15% exemption, or "RM" code for FS E&T clients (non-ABAWDs) who are remote or live in an area where a program is not provided.
- 5. Clients who are not exempt (either personal exemption or 15% exemption) are required to register for work and must meet participation requirements depending on where they live. Clients living in:

An exempt area:	A non-exempt area:
▪ Are not required to meet ABAWD work requirements.	▪ Must meet ABAWD work requirements to maintain food assistance eligibility.

See Appendix III for a list of areas providing FS Employment and Training services.

Moving Between Nonexempt and Exempt Areas

1. If a client moves to an exempt area, the client becomes exempt from ABAWD requirements.
2. A client who moves from an exempt to a nonexempt area during the 36-month period must meet ABAWD work requirements criteria or meet one of the exemption criteria. The three-month period starts with the first **full** month.
3. If a client has previously used months during the same 36-month period, those months of non-participation still count. Moving between exempt and non-exempt areas does not “restart” the 3-out-of-36 month clock. The months stop or start with the moves.

WORKER RESPONSIBILITIES

All non-exempt ABAWDS who live in the zip codes listed in Appendix II are not required to participate in FS E&T work requirements.

Exemption Criteria

1. Clients have a personal exemption from ABAWD requirements when:
 - a. They are employed 30 hours or more per week; or
 - b. They turn 18 years of age while attending high school, GED classes or any other recognized school as long as they are attending at least halftime as determined by the educational institution.
2. Clients who do not have a personal exemption or who do not live in an exempt area may be eligible for the 15% exemption when:
 - a. The client is working but due to the nature of the job, cannot maintain a

monthly average of 20 hours of work per week;

- b. The client is enrolled in GED, ABE or ESL classes for less than 20 hours per week; or
 - c. The client is homeless and has a valid reason for not being able to participate.
3. Review 15% exemptions applied to individual cases at recertification (every three months).

Verifying a Personal Exemption

- 1. Accept a client's statement of employment status or job availability unless it is questionable.
- 2. To verify questionable information have the client provide:
 - a. Evidence of the claimed exemption; or
 - b. An acceptable collateral source that can be contacted for further verification.
- 3. If a client claims to be physically or mentally unable to work, verify the claim when questionable by:
 - a. Requesting evidence of permanent disability benefits issued by a public or private source; or
 - b. A statement from a doctor, licensed or certified psychologist, nurse, nurse practitioner, designated representative in a doctor's office, or any other medical personnel that is appropriate.
- 4. If the client is not able to verify their claim for an exemption, the worker must make a decision using available information that is in the client's case file.
- 5. If a client is sent for a GAU determination, the client is exempt from ABAWD requirements until the determination is made. If the client is denied GAU:
 - a. Review the reason for denial. Even though the client may not be eligible for

GAU the client may still be eligible for an exemption.

- b. If the client is not eligible for an exemption they must meet participation requirements beginning the first full month after they are determined to be non-exempt. Notify the client of the date they must begin participation at least 10 days before the start of the month that participation will be required.

EXAMPLE

On March 14, 2002 you review the reason for the GAU denial and determine that the client is not eligible for an exemption. You send the notification of required participation on March 15, 2002. Since the letter is sent 10 days before the beginning of the next full month, you will notify the client in the letter that they must begin participation on April 1, 2001.

Effective April 10, 1999

WAC 388-444-0040 Work programs for ABAWDs in the Food Stamp Employment and Training Program.

Work programs are available to clients eighteen to fifty years of age who are able to work and have no dependents.

- (1) The following are considered work programs:
 - (a) Workfare consists of:
 - (i) Thirty days of job search activities in the first month beginning with the first day of application, or sixteen hours of volunteer work with a public or private nonprofit agency; and
 - (ii) In subsequent months, sixteen hours per month of volunteer work with a public or private nonprofit agency allows the client to remain eligible for food stamps. Workfare is not enforced community service or for paying fines or debts due to legal problems
 - (b) Work experience (WEX) is supervised, unpaid work for at least twenty hours a week. The work must be for a nonprofit agency or governmental or tribal entity. This work is to improve the work skills of the client.
 - (c) On-the-job training (OJT) is paid employment for at least twenty hours a week. It is job training provided by an employer at the employer's place of business and may include some classroom training time.
- (2) A client is not required to participate in a work program and paid work for more than a total of thirty hours a week.
- (3) The department may pay for some of a client's actual expenses needed for the client to participate in work programs. Standards for paying expenses are set by the department.

CLARIFYING INFORMATION

1. Workfare is available to ABAWDs and FAP ABAWDs **only**. The activity is not available to non-ABAWD and FAP non-ABAWD participants since ABAWDs are limited to only three months of benefits without participating in work, job search, or a work program.
2. All non-exempt ABAWDs, whether interested in participating in a work program or not, must be offered a work slot. A slot is '**offered**' when the case manager enters the time, date and location of the work slot on the Employment Plan, and gives this Plan to the client. (Work slots are: Workfare - the first month being job search and the rest of the months volunteer work in the community, Work Experience or any programs listed in WAC 388-444-0030, following that WAC in this section.
3. A slot is '**filled**' when a participant reports to a work or training site to begin the work activities.
4. ABAWDs can combine work and work programs to fulfil the 20-hour per week requirement.
5. Determine if the ABAWD has good cause for not being able to work the required hours to be exempt. Good cause may include but not limited to:
 - a. Illness;
 - b. Illness of another household member requiring the assistance of the ABAWD;
 - c. A household emergency; or
 - d. Unavailability of transportation.

ABAWD Work Programs**Workfare includes Job Search and Unpaid Work in the Community**

1. **Job Search** –For the first month of Workfare, intensive Job Search activities (30 hours a week) for ABAWD and FAP ABAWD participants. An example of client activities and hours involved is suggested in the following scenario:

- a. The worker conducts an informal assessment to determine education and work history background including an orientation to the program;
- b. The client is required to participate thirty hours a week in workshops, directed Job Search (referrals for interviews) and job club activities;
- c. At the end of the Job Search month if the client is not employed, ESD will continue working with the client in job search, but will also refer the client to DSHS for Workfare (volunteer work in the community). The ABAWD workers provide clients with a Workfare site and explain the following procedures:
 - (1) To meet ABAWD work requirements and prevent using a non-qualifying month of food assistance, the client can participate in volunteer work in the community for 16 hours a month.
 - (2) The client will continue job search activities to find employment.

NOTE: Clients are not required to participate more than 120 hours a month in combined activities.

- d. If the client does not find a job through Job Search, ESD will refer them back to the ABAWD Case Manager for placement in a Workfare slot.
2. **Unpaid work in the community** - 16 hours a month to remain eligible for food assistance if the person is not participating in other work required activities.
- a. Workfare is unpaid work performed by a recipient for a Workfare employer.
 - b. A Workfare agency is any public or private nonprofit agency that has signed the Workfare Agreement, DSHS 09-866 with a Food Stamp Employment and Training Representative. The agency agrees to provide volunteer work opportunities to ABAWD participants in the FSE&T program.
 - c. The DSHS staff person responsible for developing Workfare sites must:
 - (1) Have a negotiated and signed the Workfare Agreement, DSHS 09-866, in place prior to placing a client in a Workfare site.

- (2) Provide the participant with copies of the Workfare Activity form DSHS 01-205(x) for delivery to the Workfare agency. The Workfare agency uses the form to:
 - (A) Provide verification of participation; and
 - (B) Request Industrial Insurance coverage if the Workfare agency does not provide coverage.
- d. The Workfare agency must designate someone in the agency to give the participant their assignments and to serve as the participant's contact for questions or verification of Workfare hours.
- e. A Workfare agency can request Industrial Insurance on a monthly basis by submitting a copy of each participant's Workfare Activity form DSHS 01-205(X) to:

Food Stamp Employment & Training
PO Box 45470
Olympia, WA 98504-5470
- f. During the month, the client meets with the Case Manager to continue job search, or to be placed in a Work Experience.
- g. Transportation is available and can be authorized and paid using the Jobs automated system (JAS) following the directions in the JAS Manual found on the DSHS Intranet.

Work Experience

- 1. Work Experience is supervised, unpaid work performed for a private non-profit agency or governmental or tribal entity. It provides participants with an opportunity to practice job skills, and to learn new skills. A work experience provides the participant with hands-on experience in a work environment.
- 2. The duration of work experience is 20 hours a week for two to three months.
- 3. ABAWDs who are appropriate for a work experience include people:

- a. Who have been out of the labor market for an extended period and/or who need to learn to handle routine issues such as getting to work on time, learning to follow directions and learning to work with co-workers.
 - b. Who need to increase specific skills related to a particular job.
4. Participants must be allowed to continue individual job search while involved in a work experience.
5. The Contractor or DSHS staff person responsible for developing work experience sites must have negotiated and signed the DSHS 11-046, Work Experience Agreement prior to any placement at a work experience site.
6. When referring participants to a work experience site, the DSHS 11-045, Work Experience Referral must be completed outlining the specific job duties, objectives and hours of participation.
7. State Industrial Insurance must be paid to cover work experience participants.
8. Either the work experience site or the FS E&T program pays the Industrial Insurance coverage.
9. If the FS E&T Program pays the State Industrial Insurance (L&I), the DSHS representative will instruct the work experience agency to send the following information to:

Food Stamp Employment and Training
PO Box 45470
Olympia WA 98504-5470:
 - a. Name of Participant
 - b. Client ID Number
 - c. Month of participation
 - d. Total hours worked for the month.
10. Transportation is available and can be authorized and paid using JAS following the

directions in the JAS Manual found on the DSHS Intranet.

Internships

1. The purpose of an internship is to help a person apply scholastic skills to practical work experiences.
2. The duration is 20 hours a week for two to three months.
3. Internships are usually associated with a college course study.
 - a. If the client is associated with a college, the participant could be exempted from the ABAWD work requirements (working 20 hours a week, participating in a work program 20 hours a week, or participating in Workfare 16 hours a month), if the client meets the student criteria provided in WAC 388-482-0005.
 - b. If a person is not affiliated with an institution of higher education, an internship can be approved as meeting the ABAWD work requirements if the person is participating in the intern program 20 hours a week.
4. If the internship is unpaid experience, transportation is available and can be authorized and paid using JAS following the directions in the JAS Manual found on the DSHS Intranet.
5. The department will pay no other fees for an internship.

WORKER RESPONSIBILITIES**Procedures in Areas where DSHS staff Provide Case Management Services**

1. Provide an Orientation to the program.
2. Inform the client that in order to maintain the three months eligibility or to remain eligible for food stamps after using the first three months, the client must:
 - a. Work 20 hours a week;
 - b. Participate in a work program 20 hours a week; or

- c. Participate in Workfare.
- 3. Provide the client with DSHS 22-226(X Rev. 3/00), Information Sheet Need Help Finding a Job? This sheet informs the client of work requirements and consequences if the client fails to comply.
- 4. Work with the client to determine how they intend to meet the work requirements.
- 5. For Job Search, refer the client to ESD using JAS; or
- 6. Provide 60-day Job Search in areas where ESD is not available.
- 7. Maintain on-going accurate coding on the (WORK) Screen in ACES.
- 8. Continue working with clients to develop work skills through work experience. Support the client through the second month of directed job search by providing a bus pass or gas vouchers.
- 9. If a client loses food stamp eligibility, refer to the Workfare agency.

Monitoring

- 1. Run a weekly ad-hoc report using JAS.
- 2. Receive and record in ACES monthly, the Food Stamp Workfare Activity Report, DSHS 01-205(X), in order to determine monthly eligibility.
- 3. If the client is participating in a WEX activity, evaluate the monthly hours to determine monthly eligibility.
- 4. If a client fails to participate in the month:
 - a. Record on the ACES WORK Screen the month and year of non-participation under the appropriate 1^s, 2nd or 3rd month. ACES will automatically terminate the case when the third date is entered.
 - b. Terminate benefits to clients who have regained eligibility but failed to participate.

- c. Send a termination letter in ACES using code 258 with an explanation as to how to regain eligibility.

JAS PROCEDURES

Second Month of Job Search

1. ABAWD clients who do not find employment after the first month continue to have an active '**JS**' code on the Component screen, but are also referred to DSHS for a Workfare placement.
2. DSHS runs the ad-hoc report to determine which clients need to be offered a Workfare volunteer slot.
3. The financial worker codes '**WF**' on the Component Screen.
4. On the IRP screen the financial worker offers the client the work slot by giving the date, time and place indicating when the volunteer activity begins.
5. Provide the client with the FS E&T Plan to sign. The original is kept in the client file.
6. If the client needs transportation or clothing, create a voucher from the IRP screen.

Work Experience (WEX) Slot

1. The financial worker codes the Component screen with the '**WE**' code.
2. On the IRP screen offer the client the work slot by providing the date, time and place indicating when the work experience begins.
3. Provide the client with the FS E&T Plan to sign. Keep the original in the client's file.
4. If the client needs transportation or clothing, create a voucher from the IRP screen.

Effective April 16, 1999

WAC 388-444-0045 Regaining eligibility for food assistance.
--

- (1) A client who is ineligible for food assistance because that client has exhausted the three-month limit in WAC 388-444-0030, can regain eligibility by:
 - (a) Working eighty hours or more during a thirty-day period;
 - (b) Participating in and complying with a work program for eighty hours or more during a thirty-day period; or
 - (c) Participating in and complying with the community service part of a workfare program; or
 - (d) Meeting any of the work requirements in (a) through (c) of this subsection in the thirty days after an application for benefits has been filed.
- (2) A client who regains eligibility for food assistance under subsection (1) of this section is eligible from the day of application and as long as the requirements of WAC 388-444-0030 are met.
- (3) If otherwise eligible, a client who regains eligibility under the provision of subsection (1) of this section may receive an additional three-consecutive months of food assistance when the client:
 - (a) Loses employment; or
 - (b) Loses the opportunity to participate in a work program.
- (4) The provisions in subsection (3) of this section are allowed only once in the thirty-six month period.

CLARIFYING INFORMATION

Ineligibility Due to ABAWD Requirements

1. If a client exhausts the 3-out-of-36 months eligibility limit, the client must be denied at the next application or recertification or when the department becomes aware of this circumstance, whichever comes first.
2. If a client is not eligible because the client does not participate, then consider the client a non-household member. See **INCOME**, WAC 388-450-0140 and WAC

388-450-0145.

Regaining Eligibility

There isn't any limit to the number of times a client can regain eligibility. To regain eligibility a client must perform one of the following:

1. Complete 80 hours of training a 30-day period;
2. Work 80 hours in a 30-day period; or
3. Participate in Workfare for 16 hours in a month or, at a minimum, the number of Workfare hours required based on the benefit amount on the reconciliation chart.

Reconciliation Chart

If a client does not receive the maximum food assistance allotment and has participated in Workfare for less than 16 hours in a month, the client may be considered complying with the work requirements as follows:

Based on minimum wage of \$6.90 an hour effective January 1, 2002.

Food Stamp Benefits	Workfare Hours	Food Stamp Benefits	Workfare Hours
\$1 - 13	1	\$62 - 68	9
\$14 - 20	2	\$69 - 75	10
\$21 - 27	3	\$76 - 82	11
\$28 - 34	4	\$83 - 89	12
\$35 - 40	5	\$90 - 96	13
\$41 - 47	6	\$97 - 103	14
\$48 - 54	7	\$104 - 109	15
\$55 - 61	8	\$110 - 139	16

EXAMPLE

A client completes 14 Workfare hours and has a computed food assistance benefit of \$100. According to the chart, the client has worked enough volunteer hours to be eligible for the benefits since the range for 14 hours is \$97 to \$103 in benefits.

Eligibility for a Second 3-month Period for ABAWDs

This section only refers to those ABAWDs who are eligible for a second three-month period as described in WAC 388-444-0045 (1) & (3). If an ABAWD becomes eligible for a second 3-month period the 3 months are consecutive months. A partial month of benefits does not count toward this second 3-month period. The client receives this second 3-month period whether or not the client is participating in work requirements.

If the ABAWD cannot use the additional 3-month eligibility period due to a disqualification, the ABAWD may work another 80 hours in a 30-day period again to become eligible for the second 3-month period.

WORKER RESPONSIBILITIES

1. At the time of application, if the client has regained eligibility and is otherwise eligible for food assistance:
 - a. Offer the client a work slot by referring the client to ESD or referring the client to job search or workfare and coding this on the Component Screen,
 - b. Provide the client with 22-226(x) explaining the requirements and what happens if the client does not participate,
 - c. Certify for three months; and
 - d. Provide case management.
2. At the time of application, if the client has not regained eligibility:
 - a. Allow the case to remain pending; and
 - b. Offer the client a workfare community service slot using 01-205(x). Record the '**WF**' code on the Component screen; and
 - c. Provide the client with the FS E&T Plan with the date, time and place to begin the Workfare activity.
3. If the client does not regain eligibility during the 30-day application period, deny the application or:

- a. In a single member household, close the case, or
 - b. In an opened food stamp case, consider the person an ineligible household member.
- 4. If the applicant completes the 16 hours of workfare community service within the 30-day application period, follow the procedures in (1) of this section.
- 5. Once the requirements for regaining eligibility are met:
 - a. The client with a closed food stamp case may, if otherwise eligible, receive benefits from the date of the application, or
 - b. The client in an open food stamp case, if otherwise eligible, is added back to the household following WAC 388-418-0020 – How the department determines the date a change affects the benefit level.